

budget an improvement project fund, which may be funded to assure that adequate funds are available to the district to comply with the district's covenants and obligations during future years when the amounts projected to be needed will exceed the then-current available maintenance tax funds.

SECTION 2. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on May 12, 2015: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 15, 2015: Yeas 31, Nays 0.

Approved May 28, 2015.

Effective May 28, 2015.

**CREATION OF THE BRAZORIA COUNTY MUNICIPAL
UTILITY DISTRICT NO. 68; GRANTING A LIMITED POWER
OF EMINENT DOMAIN; PROVIDING AUTHORITY TO ISSUE
BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, OR TAXES**

CHAPTER 135

H.B. No. 3081

AN ACT

**relating to the creation of the Brazoria County Municipal Utility District No. 68;
granting a limited power of eminent domain; providing authority to issue bonds;
providing authority to impose assessments, fees, or taxes.**

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8493 to read as follows:

**CHAPTER 8493. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT
NO. 68**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8493.001. DEFINITIONS. *In this chapter:*

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Brazoria County Municipal Utility District No. 68.

Sec. 8493.002. *NATURE OF DISTRICT.* The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8493.003. *CONFIRMATION AND DIRECTORS' ELECTION REQUIRED.* The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8493.004. *FINDINGS OF PUBLIC PURPOSE AND BENEFIT.* (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8493.005. *INITIAL DISTRICT TERRITORY.* (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

Sec. 8493.006. *CONSENT OF MUNICIPALITY.* Municipal consent to the creation of the district acts as municipal consent to the creation of any new district created by the division of the district under Section 8493.107.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8493.051. *GOVERNING BODY; TERMS.* (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8493.052, directors serve staggered four-year terms.

Sec. 8493.052. *TEMPORARY DIRECTORS.* (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8493.003; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 8493.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8493.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the

petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8493.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8493.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8493.103. LEVEE IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapter 57, Water Code, applicable to levee improvement districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8493.104. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8493.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8493.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8493.107. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if:

- (1) the district has no outstanding bonded debt; and*
- (2) the district is not imposing ad valorem taxes.*

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act creating this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8493.003 to confirm the creation of the district.

(f) An order dividing the district shall:

- (1) name each new district;*
- (2) include the metes and bounds description of the territory of each new district;*
- (3) appoint temporary directors for each new district; and*

(4) provide for the division of assets and liabilities between or among the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8493.003.

(i) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.

(j) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8493.151. **ELECTIONS REGARDING TAXES OR BONDS.** (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8493.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8493.152. **OPERATION AND MAINTENANCE TAX.** (a) If authorized at an election held under Section 8493.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8493.153. **CONTRACT TAXES.** (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8493.201. **AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS.** The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8493.202. **TAXES FOR BONDS.** At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8493.203. **BONDS FOR ROAD PROJECTS.** At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Brazoria County Municipal Utility District No. 68 initially includes all the territory contained in the following area:

5,440.64 acres of land, more or less, being part of the Sam T. Angier Survey, Abstract 7, part of the L.P. Ehrmann Survey No. 24, Abstract 521, all of the H.T. & B.R.R. Co. Survey No. 23, Abstract 248, all of the L.P. Ehrmann Survey No. 22, Abstract 519, all of the H.T. & B.R.R. Co. Survey No. 25, Abstract 277, part of the L.P. Ehrmann Survey No. 18, Abstract 520, part of the Day Land and Cattle Company Survey, Abstract 602, part of the Hooper and Wade Survey No. 11, Abstract 433, part of the H.T. & B.R.R. Co. Survey No. 21, Abstract 247, part of the L.P. Ehrmann Survey No. 26, Abstract 522, part of the L.P. Ehrmann Survey No. 28, Abstract 523, all of the L.P. Ehrmann Survey No. 30, Abstract 524 and part of the James L. Holmes Hrs. Survey, Abstract 610, all being in Brazoria County, Texas and being that portion of J.T. Garrett Ranch within the aforesaid surveys lying Northwest of Austin Bayou and West of State Highway No. 35, and being more particularly described as follows:

Beginning at an old 1-1/4 inch iron pipe set at the most west corner of the Sam T. Angier Survey No. 7, said iron pipe having a car axle driven inside;

THENCE N 62° 33' 40" E along the Northwest line of said Angier Survey a distance of 6121.62 feet to a point for corner in drain ditch from which an axle bears N 62° 33' 40" E a distance of 60.0 feet;

THENCE S 64° 32' 36" E along the southerly line of a tract deeded to W.L. Russell a distance of 6976.69 feet to the most south corner of said Russell tract in the southeast line of the aforesaid S.T. Angier Survey;

THENCE N 62° 33' 40" E along the southeast line of said survey a distance of 102.99 feet to the most westerly corner of a 43.54 acre tract heretofore deeded to Noel Adams and now owned by Van Adams, set axle for corner;

THENCE S 66° 10' 21" E along the southerly line of said tract a distance of 2779.15 feet to the most easterly corner of said Adams tract in the southwest line of the Day Land and Cattle Company Survey, Abstract 603 which is marked with a car axle;

THENCE S 27° 08' 49" E along the southwest line of said Day Land and Cattle Company Survey a distance of 5363.78 feet to a car axle set for the most easterly corner of the H.T. & B.R.R. Company Survey No. 23 and the most northerly corner of the H.T. & B.R.R. Co. Survey No. 17;

THENCE S 62° 43' 15" W along the common line between the aforesaid surveys 17 and 23 a distance of 5632.99 feet to a car axle at fence corner being the most southerly corner of the H.T. & B.R.R. Co. Survey No. 23 and the most north corner of the L.P. Ehrmann Survey No. 18;

THENCE S 27° 19' 28" E along the common line as fenced between the H.T. & B.R.R. Co. Survey No. 17 and the L.P. Ehrmann Survey No. 18 a distance of 4619.62 feet to a car axle set at fence corner on the west right-of-way of State Highway No. 35;

THENCE S 40° 09' 49" W along the westerly right-of-way of State Highway No. 35 a distance of 1789.41 feet to a concrete right-of-way marker;

THENCE S 51° 32' 34" W—204.15 feet to another concrete right-of-way marker;

THENCE S 40° 09' 49" W continuing along said westerly right-of-way of State Highway No. 35 a distance of 1481.05 feet to the center of Austin Bayou;

THENCE up the center of Austin Bayou with its meanders as follows:

N 79° 14' 57" W—168.5 feet;

N 51° 24' 10" W—117.01 feet;

N 71° 47' 57" W—232.15 feet;

N 73° 22' 38" W—129.08 feet;

N 70° 08' 27" W—171.36 feet;

N 82° 32' 24" W—164.92 feet;

N 70° 47' 37" W—87.93 feet;
N 57° 19' 47" W—137.37 feet;
N 40° 24' 28" W—113.95 feet;
N 22° 42' 37" W—69.26 feet;
N 11° 18' 45" W—71.45 feet;
N 09° 27' 22" W—104.10 feet;
N 01° 01' 10" E—122.61 feet;
N 12° 53' 51" E—94.0 feet;
N 18° 34' 45" E—169.66 feet;
N 03° 04' 06" W—73.07 feet;
N 39° 01' 42" W—136.73 feet;
N 47° 19' 35" W—218.02 feet;
N 31° 09' 43" W—84.54 feet;
N 60° 53' 25" W—287.43 feet;
N 75° 04' 25" W—94.22 feet;
S 89° 03' 59" W—198.33 feet;
S 75° 49' 14" W—261.70 feet;
N 79° 00' 01" W—52.65 feet;
N 59° 17' 22" W—153.58 feet;
N 56° 12' 52" W—275.24 feet;
N 66° 00' 15" W—102.50 feet;
N 79° 08' 49" W—244.77 feet;
N 53° 33' 45" W—181.58 feet;
N 35° 25' 48" W—129.04 feet;
N 60° 58' 32" W—172.12 feet;
N 77° 39' 46" W—108.25 feet;
N 83° 02' 29" W—240.12 feet;

S 75° 46' 26" W—140.24 feet to southwest line of the L.P. Ehrmann Survey, Abstract 520, Brazoria County, Texas;

THENCE N 27° 20' 21" W—along said line as fenced a distance of 3657.42 feet to a concrete monument at the most easterly corner of the H.T. & B.R.R. Co. Survey, Abstract 247;

THENCE S 63° 18' 12" W along the southeast line of said survey a distance of 968.16 feet to the center line of Austin Bayou from which a concrete monument bears S 63° 18' 12" W—46.0 feet;

THENCE up the center of Austin Bayou with its meanders as follows:

N 51° 24' 06" W—296.62 feet;
N 36° 08' 10" W—122.46 feet;
N 65° 38' 02" W—392.73 feet;
N 57° 55' 04" W—294.12 feet;
N 46° 38' 08" W—370.63 feet;
N 73° 42' 00" W—60.0 feet;
S 67° 34' 11" W—136.46 feet;
S 55° 57' 04" W—235.66 feet;

S 70° 05' 11" W—209.43 feet;
S 81° 55' 54" W—216.80 feet;
S 66° 18' 43" W—157.22 feet;
S 81° 55' 53" W—175.68 feet;
S 70° 10' 43" W—151.80 feet;
S 25° 06' 10" W—154.03 feet;
S 72° 14' 24" W—37.74 feet;
S 83° 03' 41" W—112.63 feet;
N 71° 56' 24" W—161.70 feet;
N 60° 47' 02" W—211.74 feet;
N 69° 23' 17" W—129.00 feet;
N 89° 41' 37" W—227.82 feet;
N 84° 36' 43" W—354.10 feet;
N 78° 50' 02" W—292.98 feet;
N 74° 29' 13" W—277.22 feet;
N 74° 03' 54" W—143.21 feet;
N 75° 10' 12" W—181.07 feet;
S 87° 16' 28" W—48.17 feet;
S 74° 19' 15" W—139.72 feet;
N 81° 51' 33" W—61.10 feet;
S 57° 23' 06" W—44.60 feet;
N 73° 27' 38" W—109.43 feet;
N 59° 03' 47" W—263.95 feet;
N 50° 22' 21" W—444.58 feet;
N 18° 10' 11" W—180.20 feet;
N 07° 52' 01" W—384.09 feet;
N 44° 23' 52" W—153.52 feet;
N 07° 28' 28" W—79.16 feet;
N 47° 12' 34" W—205.70 feet;
N 19° 29' 47" W—45.45 feet;
N 16° 36' 47" E—82.93 feet;
N 34° 32' 15" E—157.31 feet;
N 01° 25' 49" W—114.98 feet;
N 26° 57' 48" W—175.49 feet;
N 13° 59' 54" W—151.76 feet;
N 44° 39' 30" W—76.95 feet;
N 37° 35' 48" W—127.01 feet;
N 46° 20' 40" W—48.51 feet;
N 55° 13' 20" W—172.71 feet;
N 37° 24' 30" W—126.42 feet;
N 30° 40' 23" W—192.28 feet;
N 32° 47' 56" W—59.29 feet;
N 82° 41' 23" W—75.16 feet;

S 65° 32' 41" W—70.58 feet;
N 70° 32' 46" W—112.72 feet;
N 54° 38' 40" W—117.70 feet;
N 50° 12' 34" W—161.52 feet;
N 39° 04' 58" W—184.65 feet;
N 62° 58' 54" W—176.63 feet;
N 51° 56' 23" W—225.85 feet;
N 55° 47' 02" W—124.45 feet;
N 31° 10' 26" W—83.56 feet;
N 76° 15' 34" W—71.67 feet;
S 87° 24' 50" W—148.50 feet;
S 89° 00' 30" W—150.93 feet;
N 77° 00' 57" W—210.11 feet;
N 67° 15' 00" W—70.72 feet;
N 57° 46' 42" W—210.31 feet;
N 45° 55' 40" W—215.15 feet;
N 53° 36' 55" W—126.07 feet;
N 76° 14' 02" W—78.50 feet;
S 83° 31' 45" W—105.45 feet;

S 73° 54' 27" W—231.36" feet to the east line of the H.T. & B.R.R. Co. Survey No. 27, Abstract 249;

THENCE N 00° 05' 00" E along said line at 40.0 feet set car axle for reference corner and continue for a total distance of 878.47 feet to a concrete monument set for the most north corner of said survey and being an interior corner of L.P. Ehrmann Survey No. 28, Abstract 523, Brazoria County, Texas;

THENCE S 88° 39' 26" W along the north line of said survey No. 27 as fenced a distance of 2631.36 feet to a concrete monument for northwest corner of said survey and being the lower southwest corner of the L.P. Ehrmann Survey No. 30;

THENCE N 00° 21' 18" W along the east line of the S.F. Austin Survey, Abstract 24 as fenced a distance of 853.96 feet to a car axle set at fence corner for the northeast corner of said S.F. Austin Survey and being an interior corner of the L.P. Ehrmann Survey No. 30;

THENCE S 89° 50' 43" W along the north line of said Austin Survey and the south line of said survey No. 30 a distance of 2737.7 feet to an axle set by old cross tie on old fence line for the recognized southwest corner of the L.P. Ehrmann Survey No. 30;

THENCE N 00° 01' 45" W along the west line of said survey No. 30 a distance of 4531.01 feet to a car axle set by old cross tie for the northwest corner of said survey No. 30;

THENCE S 89° 37' 09" E along the north line of said Survey No. 30 at 2786.26 feet pass an old iron pipe set for the southeast corner of the H.T. & B.R.R. Co. Survey No. 31 and continue for a total distance of 5003.04 feet to a car axle set for the most west corner of the James L. Holmes Hrs. Survey, Abstract 610 which is also the northeast corner of the L.P. Ehrmann Survey No. 28;

THENCE S 87° 04' 59" E—4088.56 feet to the PLACE OF BEGINNING and containing 5440.64 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to

which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8493, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8493.108 to read as follows:

Sec. 8493.108. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on April 23, 2015: Yeas 139, Nays 0, 2 present, not voting;
passed by the Senate on May 15, 2015: Yeas 30, Nays 1.

Approved May 28, 2015.

Effective May 28, 2015.

**POWERS AND DUTIES OF THE MONTGOMERY COUNTY
MUNICIPAL UTILITY DISTRICT NO. 141; PROVIDING
AUTHORITY TO ISSUE BONDS AND IMPOSE TAXES**

CHAPTER 136

H.B. No. 4139

AN ACT

relating to the powers and duties of the Montgomery County Municipal Utility District No. 141; providing authority to issue bonds and impose taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7912 to read as follows:

**CHAPTER 7912. MONTGOMERY COUNTY MUNICIPAL UTILITY
DISTRICT NO. 141**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7912.001. DEFINITION. In this chapter, "district" means the Montgomery County Municipal Utility District No. 141.

Sec. 7912.002. NATURE AND PURPOSES OF DISTRICT. (a) The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

(b) The district is created to accomplish the purposes of: